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*Counsel for CF Midas Balanced Growth Fund*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11
	:	
LEHMAN BROTHERS HOLDINGS INC., <i>et al</i>	:	Case No. 08-13555 (JMP)
	:	
Debtors.	:	(Jointly Administered)
	:	
	:	
-----X		

**NOTICE OF APPEAL**

CF Midas Balanced Growth Fund (the “CF Fund”), by and through its undersigned counsel, hereby appeals to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. § 158(a) and Federal Rules of Bankruptcy Procedure 8001(a) and 8002(a), from the *Third Supplemental Order Granting Debtors’ One Hundred Forty-Third Omnibus Objection to Claims (Late-Filed Claims)* (Docket No. 34696) (the “Order”) entered in the above-captioned cases on February 15, 2013, by the United States Bankruptcy Court for the Southern District of New York (Hon. James M. Peck). A copy of the Order is attached as Exhibit A hereto.

The names of all parties to this appeal and the names, addresses, and telephone numbers of their respective counsel are as follows:

Appellant and Counsel:

CF Midas Balanced Growth Fund

Young Conaway Stargatt & Taylor, LLP  
1270 Avenue of the Americas  
Suite 2210  
New York, New York 10020  
Daniel F.X. Geoghan

Appellee and Counsel:

Lehman Brothers Holdings, Inc., *et al.*

Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153  
Robert J. Lemons

Dated: February 25, 2013

CF MIDAS BALANCED GROWTH FUND

By its Counsel

YOUNG CONAWAY STARGATT & TAYLOR, LLP

By:

/s/ Daniel F.X. Geoghan

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**EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>In re</b>	: <b>Chapter 11 Case No.</b>
	:
<b>LEHMAN BROTHERS HOLDINGS INC., et al.,</b>	: <b>08-13555 (JMP)</b>
	:
<b>Debtors.</b>	: <b>(Jointly Administered)</b>
-----X	

**THIRD SUPPLEMENTAL ORDER GRANTING DEBTORS' ONE HUNDRED  
FORTY-THIRD OMNIBUS OBJECTION TO CLAIMS (LATE-FILED CLAIMS)**

Upon the one hundred forty-third omnibus objection to claims, dated May 16, 2011 (the "One Hundred Forty-Third Omnibus Objection to Claims"),<sup>1</sup> of Lehman Brothers Holdings Inc. and its affiliated debtors in the above-referenced chapter 11 cases, as debtors and debtors in possession (collectively, the "Debtors"), pursuant to section 502(b) of title 11 of the United States Code (the "Bankruptcy Code"), Rule 3007(d) of the Federal Rules of Bankruptcy Procedure, and this Court's order approving procedures for the filing of omnibus objections to proofs of claim [Docket No. 6664] (the "Procedures Order"), seeking disallowance and expungement of the Late-Filed Claims on the basis that they were filed after the Bar Date, all as more fully described in the One Hundred Forty-Third Omnibus Objection to Claims; and due and proper notice of the One Hundred Forty-Third Omnibus Objection to Claims having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined that the relief sought in the One Hundred Forty-Third Omnibus Objection to Claims is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual bases set forth in the One Hundred Forty-Third Omnibus Objection

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<sup>1</sup> Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Debtors' One Hundred Forty-Third Omnibus Objection to Claims.

to Claims establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore, it is

ORDERED that the relief requested in the One Hundred Forty-Third Omnibus Objection to Claims is granted to the extent provided herein; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the claims listed on Exhibit 1 annexed hereto (collectively, the “Late-Filed Claims”) are disallowed and expunged in their entirety with prejudice; and it is further

ORDERED that this Order supersedes all previous orders regarding the Late-Filed Claims listed on Exhibit 1 annexed hereto; and it is further

ORDERED that this Order has no res judicata, estoppel, or other effect on the validity, allowance, or disallowance of, and all rights to object and defend on any basis are expressly reserved with respect to any claim listed on Exhibit A annexed to the One Hundred Forty-Third Omnibus Objection to Claims that is not listed (i) on Exhibit 1 annexed hereto, (ii) Exhibit 1 annexed to the First Supplemental Order Granting Debtors’ One Hundred Forty-Third Omnibus Objection to Claims (Late-Filed Claims) [ECF No. 31133], or (iii) Exhibit 1 annexed to the Second Supplemental Order Granting Debtors’ One Hundred Forty-Third Omnibus Objection to Claims (Late-Filed Claims) [ECF No. 32258]; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: New York, New York  
February 15, 2013

s/ James M. Peck  
HONORABLE JAMES M. PECK  
UNITED STATES BANKRUPTCY JUDGE

## Exhibit 1

IN RE LEHMAN BROTHERS HOLDINGS, INC., ET AL., CASE NO: 08-13555 (JMP)

OMNIBUS OBJECTION 143: EXHIBIT 1 – LATE-FILED CLAIMS

	NAME	CASE NUMBER	DEBTOR NAME	FILED DATE	CLAIM #	TOTAL CLAIM DOLLARS	REASON FOR PROPOSED DISALLOWANCE
1	CF MIDAS BALANCED GROWTH FUND BEAUFORT HOUSE 51 NEW NORTH ROAD EXETER, DEVON, EX4 4EP UNITED KINGDOM	08-13555 (JMP)	Lehman Brothers Holdings Inc.	11/08/2010	67193	\$4,293,541.60	Late-Filed Claim
TOTAL						\$4,293,541.60	